

United States District Court
Western District of Oklahoma

FILED

MAY 29 2015

James E. Chaney Jr.
PO Box 893335
Oklahoma City, OK 73189-3335

PLAINTIFF

VS.

Walmart Stores Inc.
702 SW 8th Street
Bentonville, AR 72716-8611
&
Walmart Store #517
951 E State Highway 152
Mustang, OK 73064
DEFENDANTS

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT WESTERN DIST. OKLA.
BY 77, DEPUTY

CIV-15-592 R

Claim No: _____

FACTUAL SUMMARY

1. Plaintiff suffers from Multiple Sclerosis, diagnosed by Dr. Osvaldo Peruena MD at OU Medical Center Dep't. Of Neurology in 1994-95. Medical records are in possession to prove this.
2. Plaintiff was also diagnosed with Frontal Cortex Vasculitis due to a motorcycle accident in 1979. Records are available from Payne Rice Clinic in Checotah OK.
3. Plaintiff also suffers from Ankylosing Spondylitis, diagnosed by a Dr. Freede in 1994 and Dr. Robert Remondino in 2002; a form of Rheumatoid Arthritis.
4. Plaintiff is a legal voting resident of Oklahoma County, State of Oklahoma and resides there.
5. Plaintiff was hired pursuant to the Work Opportunity Tax Credit, and was asked in the very beginning if Plaintiff had filled that form out by Personell at Walmart Store #517.
6. Plaintiff simply went there for a Job, working nights out of the heat which is bad for M.S. Plaintiff could simply drive straight out Hwy 152 to work and back; due to Optic Neuritis, a part of the M.S. That's all; not all this.

COMPLAINT

This is a continuance of an EEOC Complaint filed with the EEOC in Oklahoma City, OK in June 2014. The EEOC has issued a "Right to Sue Letter" to the Plaintiff on April 1, 2015 after their investigation was inconclusive due to non-cooperation of the Defendants. Plaintiff worked in Maintenance Overnight from January 10, 2012 until being 'wrongfully discharged' in May of 2014.

1. Walmsrt Store #517 hired Plaintiff under the Work Opportunity Tax Credit, which expired in Dec. 2013.

2. Plaintiff originally requested Part Time due to his Physical Handicapps but was advised there was no Part Time available. Palintiff did agree to 'Try' at that time.

3. Plaintiff DID advise Mangement, Charles Alvarez, that Plaintiff has Multiple Sclerosis at that time as well. He agrred to work with Plaintiff on scheduling concerns. A Co-Manager names Travis adjusted schedules to reduce Plaintiffs hours at that time as well. AM Ron did so as well.

4. Plaintiff was subjected to ridicule by other Co-Managers, namesly James Roman, Colby, Lahoma, and others whos names he cannot recal. They were very secretive.

5. Plaintiff was physically assaulted by co-workers due to just doing his job, closing bathrooms to clean them according to Company SOP's.

6. Plaintiff was harassed continuously over this particular issue, even going filing complaints with Walmart's Global Ethics Comission on many instances; mcush to Mangaments chagrin.

7. In early 2014, Plaintiff was made to work Mandatory Overtime, after the WOTC was not reauthorized by the US Congress, resulting in extreme physical exhaustion and was therefore unable to make it to work on the night/morning Plaintiff was wrongfully discharged.

8. Plaintiff was ridiculed, laughed at, made fun of and harassed for over 2 years due to his physical handicaps by Co-Associates and Mangagment, even being ordered off the property or Policed called by one Manager named Eric Prentice after he tried to make an injury report around 3AM on on instance.

9. Plaintiff contacted OSHA about unsafe and dangerous working conditions. An Inspection was done by OSHA right after that and Violations were found.

10. Plaintiff was harassed as a result of contacting OSHA as well.

11. Plaiintiff was ridiculed even my Market Managers after Plaintiff made report to Global Ethics Office.

12. When Plaintiff did call a 1-800 number after discharge which was given to Him by Management if in the event an Associate doesn't like a report/write up. The number is not good. Just a recording that repeats itself until it hange up on the caller. Tried day and night time both.

13. Plaintiff still suffers from emotional trauma, nightmares and so fort as a result of the Defendants actions.

15. Plaintiff does have ongoing medical issues as a result and 2 Workers Compensation Claims going at this time due to injuries suffered while working there , too Plaintiff fells this may be one reason for his discharge as well.

16/ Plaintiff was told by a Supervisor, Artie, just before being wrongfully discharged, "Wouldn't you rather have a paycheck twice a month rather than a check once a month?" Plaintiff can legally make up to \$15,000 a year and not lose his SSDI or Medicare.

17. Plaintiff was accused and a VPO filed on Him by another Associate who Plaintiff had no idea who this person was. Management knew about this but did NOT inform Plaintiff. The VPO was thrown out of court but is still a matter of record.

18. Plaintiff is continuously harassed by the OKDRS/DDD and the Moore Office of SSA as a result of trying to work at Walmart Store #517 in Mustang, OK. This harassment continues to the current time and day.

19. Plaintiff was belittled and ridiculed due to his Christian religious beliefs on the job at this store by Managers and Co-workers alike, repeatedly.

20. Plaintiff on several instances was asked by Management, "You need to decide how bad you want to work or not." That was not a matter of question for the Plaintiff and Plaintiff spent too much time and effort trying to prove otherwise when Plaintiff should have quit for cause long ago. Plaintiff was advised by an Attorney not to quit however, wait to be fired. Plaintiff WAS Wrongfully Discharged in May of 2014.

Plaintiff could mention more instances but feels these are the Highlights.

PRAYER FOR RELIEF

1. Plaintiff asks the Court to grant the \$330,000 judgement asked for in the original EEOC Complaint to compensate for physical, emotional, and psychological trauma suffered as a result of Plaintiff's actions and to deter the Defendants from further actions of these types on other legal hard working citizens of the United States of America.
2. That the record of the VPO be expunged from Canadian County Court record as Plaintiff has NEVER Stalked anyone. The lady involved has a record of such actions as well.

The Plaintiff wished to thank The Court for its consideration in this matter.


signature of Plaintiff

James E. Chaney Jr.
PO Box 893335
Oklahoma City, Ok 73189